

Serial No. 09/063,289  
Reply Filed: May 5, 2004  
Reply to Office Action of December 5, 2003

#### REMARKS

In reply to the Office Action mailed December 5, 2003, and in view of the foregoing amendments and following remarks, reconsideration is requested. Claims 1-11 remain in this application of which claim 1, 4 and 11 are independent.

The Examiner is respectfully requested to change the attorney docket number for this case from "T8463785US" to "A1998034".

#### Rejection Under 35 U.S.C. §103

Claims 1-11, of which claims 1, 4 and 11 are independent, were rejected under 35 U.S.C. §103 in view of U.S. Patent 5,889,514 ("Boezeman") and Hamakawa. The rejection is respectfully traversed for the following reasons.

#### **Teachings of Boezeman**

According to Boezeman, Fig. 2 shows a sequence editor screen 60 with a time line 84, for creation of multimedia titles. *Boezeman*, Col. 6, lines 1 and 19; Col. 1, line 30. Multimedia refers to "time-based data" in "various combinations of text, graphics, video, image, animation, audio, etc." *Boezeman*, Col. 1, lines 38-40.

According to Boezeman, the "sequence editor organizes its time based specification by event. In other words, a user specifies an event that will initiate a sequence of time based processing." *Boezeman*, Col 5, lines 61-64. For example, as shown in Fig. 3, the event of "PushButton1" being "clicked" initiates the sequence of time-base processing represented by the time line 84. See also *Boezeman*, Col 8, lines 49-53. The text of Col 7, lines 5-54 explains how a user places animation, audio and video parts on the time line associated with this event.

#### **Teachings of Hamakawa**

According to Hamakawa, using a "time line model" there is "no mechanism to ensure that the length of one media data will dynamically conform to the length of another one. . . . Moreover, different media data are not automatically synchronized with one another. . . . Further, the time line model has no functions for reusing multimedia data." *Hamakawa*, p. 273, second column, first paragraph.

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According to Hamakawa, an "object composition and playback model [uses] 'temporal glue' . . . and a mechanism for constructing composite multimedia data hierarchically. In the resulting model, it is quite easy to edit and reuse composite multimedia data." *Hamakawa*, p. 274, first column, first paragraph. More particularly, users "create a composite object by combining multimedia objects according to certain designated methods. There are three features in the proposed model that differentiate it from the time line model." *Hamakawa*, p. 274, first column, third paragraph. These "three features" are the "temporal glue" and "object hierarchy" that are designed to solve the problems of time lines, along with the concept of "relative locations" that the object hierarchy and temporal glue use. See *Hamakawa*, p. 274, generally. By "relative location," Hamakawa means that "users do not decide the precise time line location for each object. They define only relative locations in time and space among objects. Once objects are composed, their absolute locations (both in time and space) are calculated automatically." *Hamakawa*, p. 274, paragraph bridging both columns.

According to Hamakawa, the object composition model includes an object (SEBox) for sequencing of objects, which defines only relative locations in a sequence in time among objects operated on by the SEBox Object (p. 274, col. 2). Objects that are intended to be simultaneous are combined by an Overlay Object (p. 275, Col. 1). A Position Object may place an object on a specific section of an absolute time scale (p. 275, Col.1).

The Final Office Action asserts (at page 10) that Hamakawa "teaches presented time line embodiments as shown in Hamakawa Figures 12, 14 and 16." Applicant respectfully disagrees. Neither Fig. 12, 14 nor 16 shows a time line for *constructing* a multimedia program. Figs. 12 and 16 merely show a *playback* window for an entire program, in which a slider bar merely shows the current playback position in time for the multimedia program being played. These windows are not for *constructing* a multimedia program and do not suggest that the underlying constructs used in Hamakawa are timelines. While Fig. 14 illustrates Hamakawa's interface for constructing a multimedia program, Fig. 14 does not show a time line because, as noted above, "users do not decide the precise time line location for each object. They define only relative locations in time and space among objects." *Hamakawa*, p. 274, paragraph bridging both columns.

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**The Claims are Distinguishing Over Boezeman and Hamakawa Individually**

The claims are distinguishing over each of Boezeman and Hamakawa individually.

Independent claim 1 recites, among other things, the following:

“positioning a first clip object representing the first time-based data source with respect to a local time line to define a start time and duration on the local time line for accessing the first time-based data source; . . .

positioning a second clip object representing the second time-based data source with respect to the local time line to define a start time and duration on the local time line for accessing the second time-based data source;

creating at least one meta-clip object representing the local time line and the first and second clip objects positioned on the local time line, wherein the at least one meta-clip object is positionable with respect to a global time line of an edit, distinct from the local time line, such that the start time and duration of each of the first and second clip objects in the at least one meta-clip are re-mapped to the global time line upon the at least one meta-clip being positioned on the global time line”

Similarly, independent claim 4 recites, among other things, the following:

“[a] meta-clip object . . . comprising a . . . local time line distinct from the global time line, a first clip object representing a first time-based data source selected from a list of available data sources, and a second clip object representing a second time-based data source selected from the list of available data sources, wherein the second data source is of a different data type than the first data source, and wherein the first and second clip objects are positioned on the local time line to define a respective start time and duration on the local time line for accessing each selected data source;

. . . positioning [a] selected meta-clip object with respect to the global time line; and re-mapping to the global time line the start time and duration of the clip objects comprising each selected meta-clip object in accordance with the position of . . . [the] selected meta-clip object on the global time line.”

Similarly, independent claim 11 recites, among other things, the following:

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“[a ] meta-clip object . . . comprising a . . . local time line, a first clip object representing a first one of the stored data sources, a second clip object representing a second one of the stored data sources, wherein the second data source is of a different data type than the first data source, and wherein the first and second clip objects are positioned on the local time line to define a respective start time and duration on the local time line for accessing each data source; and . . . positioning . . . [a] selected meta-clip object on a global time line distinct from the local time lines so as to initiate re-mapping of the start time and duration of each of the clip objects represented by the meta-clip objects according to the relative position of the local time lines and the global time line.”

Thus, each of the independent claims recites that objects of different types may be positioned on a local time line as part of a meta-clip and that when the meta clip object is positioned on the global time line, the start time and duration of each clip in the meta clip is remapped to the global time line. Neither Hamakawa nor Boezeman individually teaches or suggests these limitations.

More particularly, Boezeman teaches that each of the video, audio and animation objects is placed at a specific position on a time line. There is no facility in Boezeman for creating a “meta clip” having objects placed on a “local time line” of which the start time and duration are remapped to a “global time line” when the meta clip object is placed on the global time line.

Further, in Hamakawa, none of the objects used in an object composition have a local time line. As clearly stated in Hamakawa, “users do not decide the precise time line location for each object. They define only relative locations in time and space among objects.” There is no object in Hamakawa that corresponds to a meta-clip object as claimed – no object in Hamakawa has a “local time line” on which two objects of different types may be positioned and of which the start time and duration are remapped to a “global time line” when the meta clip object is placed on the global time line. Instead, in Hamakawa, the positions of each object in time are determined only when the highest ranking composite object is determined.

**The Claims are Distinguishing over the Collective Teachings of Hamakawa and Boezeman**

The Office Action asserts that one of ordinary skill in the art would have been motivated to combine the teachings of Hamakawa and Boezeman. In particular, the Office Action states

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that it "would have been obvious . . . to apply Hamakawa to Boezeman, because of Hamakawa's taught advantage of automatic temporal re-mapping of time lines within groupings . . . of multimedia objects, providing increased convenience (due to elimination for precise time line locations), to Boezeman's NLE editor." *Final Office Action*, page 4. Further the Office Action states that it "would have been obvious . . . to apply Hamakawa to Boezeman, because of Hamakawa's taught advantage of hierarchically categorized composite objects, providing an increase number of object groupings to be used by Boezeman's NLE system." *Id.*

The prior Final Office Action stated that Hamakawa notes problems of a time line system, and that "Hamakawa's article proposed various solutions to these problems, the Examiner applies said solutions to Boezeman's time line editor." *Final Office Action*, p. 10.

The current Office Action asserts that "the examiner applies Hamakawa's relative timelines to Boezeman's timelines to teach the invention as presently claimed." *Office Action*, page 9, last 2 lines.

In particular, the Office Action asserts that Hamakawa's objects "each reflect a 'block' of time." Further the Office Action asserts that it is a "fact" that these "blocks are timelines." The Office Action further asserts that "Hamakawa's relative meta-clip timeline blocks" would be added to "Boezeman's timeline [to] alter Boezeman at least to the extent of adding blocks of timelines (relative to each other) to Boezeman's display." The Office Action continues with "Since Hamakawa's blocks are timelines, tick marks (reflecting precise timeline locations) in Boezeman can be added to each of Hamakawa's blocks relative to each other, and relative to a global timeline." See *Office Action*, page 10.

As noted in the prior section, it is at first unclear how a combination of Hamakawa and Boezeman can teach the limitations noted above when neither reference teaches these limitations. The Office Action, however, indicates that the proposed combination involves both modifying Hamakawa (to provide objects that have precise time locations rather than relative timings) and modifying Boezeman to include the modified teachings of Hamakawa.

The Applicant respectfully disagrees with the reasoning presented in the Office Action for modifying Hamakawa, then Boezeman, for the following reasons.

First, the Applicant respectfully disagrees with several assertions of fact regarding the teachings of Hamakawa. In particular, Hamakawa does not teach objects that are timelines. Hamakawa teaches an object hierarchy in which each object reflects the "relative locations in

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time and space among objects." as quoted above. Applicant has not located where Hamakawa states that an object "reflects a block of time" or that such "blocks are timelines." Note that Hamakawa states that "the time length of each object is determined when the highest ranking composite object has been determined." *Hamakawa*, p. 276. Thus, it is not clear how Boezeman's "tick marks" can be added to each of Hamakawa's objects, as asserted in the Office Action, because the time length of an object cannot be determined outside of the context of the entire object hierarchy in which it is contained. Finally, whether Hamakawa's objects can be characterized as a "timeline," as that word is used in the claims, is not relevant to what Hamakawa teaches for the purpose of determining whether the teachings of Hamakawa are properly combined with Boezeman. Instead, what a "timeline" means is an issue of claim construction which is separate from the issue of what the collective teachings of the reference would have suggested to one of ordinary skill in the art.

Second, there is no evidence provided in the Office Action to support, and statements in Hamakawa directly contradict, any reason that one of ordinary skill in the art would have been motivated to combine the teachings of Hamakawa and Boezeman in the manner suggested in the Office Action.

In particular, the manner in which Hamakawa and Boezeman are combined by the Office Action is not something suggested by either Hamakawa and Boezeman. No other evidence is cited by the Office Action to support a finding that one of ordinary skill in the art would have been motivated to make the proposed combination. Whether the references are in the same "field of endeavor" is relevant only to the issue of whether the references are "analogous art" and is not evidence that any proposed combination of their teachings is suggested by the prior art.

Moreover, as the Applicant previously argued, instead of modifying a time line, Hamakawa proposes a completely new system with "three features in the proposed model that differentiate it from the time line model." Hamakawa neither teaches nor suggests that these features may be used in a time line system and uses them to differentiate from a time line based system. In fact, at the bottom of p. 277, Hamakawa states, with emphasis added: "This facility encourages the user to revise and reuse previously constructed composite multimedia objects *because it eliminates the need for precise time line locations.*" Thus, the Applicant argued that one would not have been motivated by Hamakawa to *combine* the teachings of Hamakawa with those of Boezeman.

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Further, because Hamakawa's article suggests a system that is a *substitute* for and is *distinguished* from a time line model, the suggestion to apply Hamakawa's solutions to Boezeman in manner such that Boezeman remains a time line system does not arise from Hamakawa. The source of the suggestion, i.e., evidence from the prior art supporting the suggestion, is not provided in the Office Action. Moreover, Hamakawa's teachings as applied to Boezeman would *replace* Boezeman's timeline with the object model of Hamakawa, and, thus, the result would no longer be a timeline based system – and would essentially be no different from Hamakawa.

Said another way, Hamakawa teaches *directly away* from applying its object hierarchy model (with relative object locations) to a time line (with precise object locations) because Hamakawa's system is intended to be a *substitute* for a time line system. Hamakawa's teachings of using "relative locations" instead of "precise time line locations" directly contradicts the assertion that the prior art suggests that one of ordinary skill in the art would have used such relative locations in a time line model, such as Boezeman, that requires precise time line locations.

Third, the Office Action relies on premises that Hamakawa teaches "relative meta-clip timeline blocks" and that Boezeman teaches a "timeline," and that it would be obvious to combine a "relative meta-clip timeline block" with a "timeline." The line of reasoning is erroneous because it is not based on "particular findings . . . as to the reason the skilled artisan, *with no knowledge of the claimed invention*, would have selected these components for combination in the manner claimed." In re Kotzab, 217 F.3d 1365, 1371, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000, emphasis added).<sup>1</sup> Instead, the Office Action blends the findings of fact regarding what Hamakawa and Boezeman (and particularly, Hamakawa) teach, individually and collectively, with the construction of the claim language and the comparison of the claim limitations to the prior art. What Hamakawa and Boezeman teach, individually and collectively, and the evidence regarding what one of ordinary skill in the art would have done with these teaching, must be done "with no knowledge of the claimed invention" and thus without reference

<sup>1</sup> Also note that 35 U.S.C. §103 requires obviousness to be considered from the point of view of "one of ordinary skill in the art *at time the invention was made*." Additionally, the Federal Circuit has suggested that a legal finding of obviousness is made by "casting the mind back to the time of invention, to consider the thinking of one of ordinary skill in the art, *guided only by the prior art references and the then-accepted wisdom in the field*." In re Dembiczak, 175 F.3d 994, 999, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999, emphasis added).

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to the claim limitations. A reference teaches what it says to one of ordinary skill in the art, not a claim limitation. The collective teachings of the references are combinations of the teachings of the individual references that would have been suggested to one of ordinary skill in the art, not combinations of claim limitations. Only after one considers what the references collectively teach, *without reference to the claimed invention*, can one compare those collective teachings to properly construed claims. Note that MPEP 2143 also states that "*Finally*, the prior art . . . references *when combined* . . . must teach or suggest all the claim limitations." *MPEP Section 2143*. Thus, the Office Action is improper to the extent that the issue of what Hamakawa and Boezeman collectively teach is not separated from issues of claim construction and the application of the claim language to the prior art.

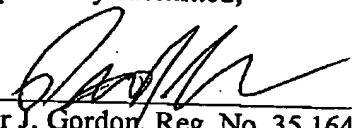
Accordingly, the combination proposed in the Final Office Action is improper and the rejection is traversed. Accordingly, the rejection of independent claims 1, 4 and 11 is traversed. The remaining claims are dependent claims that are allowable for the same reasons.

#### CONCLUSION

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this reply, that the application is not in condition for allowance, the Examiner is requested to call the Applicants' attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, please charge any fee to Deposit Account No. 50-0876.

Respectfully submitted,

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